



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, NY 10007*

April 19, 2021

BY ECF

MEMORANDUM ENDORSEMENT

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Deloatch v. Comm'r of Soc. Sec.*, No. 20 Civ. 6957 (GWG)

Dear Judge Gorenstein:

This Office represents the Commissioner of Social Security (the "Commissioner"), the defendant in the above-referenced action brought pursuant to 42 U.S.C. § 405(g), in which the plaintiff appeals the Commissioner's decision to deny his application for Social Security disability benefits.

I respectfully write to request a 30-day extension of time for the Commissioner to file the certified administrative record in this case, from April 19, 2021, to May 19, 2021, which will yield the following extended deadlines pursuant to the Standing Order In Re Motions for Judgment on the Pleadings in Social Security Cases (Dkt. No. 5):

<u>Filing</u>	<u>Deadline</u>
Plaintiff's Motion for Judgment on the Pleadings	July 19, 2021
Commissioner's Cross-Motion for Judgment on the Pleadings	September 17, 2021
Plaintiff's Reply, if any	October 8, 2021

The extension is needed because of delays in preparing the certified administrative record due to temporary workplace changes implemented by the Social Security Administration in response to the COVID-19 pandemic. As described in the attached Declaration of Jebby Rasputnis, dated February 10, 2021, these changes have significantly impacted the operations of the Social Security Administration's Office of Appellate Operations ("OAO") and materially

affected its ability to prepare certified administrative records and to obtain transcriptions of hearing recordings from private contractors. The OAO has increased its staffing and improved its ability to prepare certified administrative records remotely and now meets or exceeds its pre-pandemic capacity, but the prior delays combined with an increase in Social Security cases filed in federal courts have resulted in a significant backlog in the preparation of administrative records that the agency is still working to address.

The plaintiff takes no position with respect to this request for an extension. This is the Commissioner's third request for an extension of the time to file the certified administrative record. The Court previously granted the Commissioner's two prior requests for 60-day extensions of time to file the record. (Dkt. Nos. 14, 17.) I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS
United States Attorney

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cc: Howard Olinksy, Esq. (by ECF)
Attorney for Plaintiff

Application granted.

So Ordered.


GABRIEL W. GORENSTEIN
United States Magistrate Judge
April 20, 2021